

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

JUL 26 1995

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of)
)
Preparation for International)
Telecommunication Union World)
Radiocommunication Conference)

IC Docket No. 94-31

To: The Commission:

DOCKET FILE COPY ORIGINAL

REPLY COMMENTS OF
LEO ONE USA CORPORATION

Leo One USA Corporation ("Leo One USA"), by counsel, hereby responds to the July 14, 1995 Supplemental Reply Comments ("Supplemental Reply") of the Association of American Railroads ("AAR"). In the Supplemental Reply, the AAR questions the proposal made by Leo One USA in its July 6, 1995 Supplemental Comments in this proceeding. Specifically, Leo One USA urged the United States government to propose at WRC-95 an additional 3 MHz allocation in the Earth-to-space direction for the MSS Below 1 GHz service in addition to the 2 MHz currently proposed. It suggested the 450-470 MHz band (e.g., 456-459 MHz) which is currently allocated in the United States to land mobile services be designated for this allocation. Accompanying this suggestion, Leo One USA provided a detailed technical study prepared by LINCOM Corporation analyzing sharing between MSS Below 1 GHz systems and land mobile systems. This report concluded that MSS Below 1 GHz systems could successfully share with land mobile systems because the chances of MSS Below 1 GHz systems interfering with land mobile systems was virtually non-existent.

No. of Copies rec'd
List A B C D E

0410

In its reply and throughout this proceeding, AAR has taken a consistent approach with regard to sharing between the MSS Below 1 GHz and land mobile services. First, AAR unequivocally states that sharing is not possible despite the fact that it has never provided any technical analysis to support this conclusion. Second, it argues that this conclusion is necessitated by the public safety aspects of the land mobile service even though it never provides any analysis as to how public safety would be compromised. Third, AAR will not engage in any detailed technical discussion on the feasibility of sharing. This approach is dramatically demonstrated in the AAR July 6, 1995 Supplemental Comments where AAR completely fails to address or analyze the LINCOM Report or provide any technical analysis whatsoever.

This type of response should not be tolerated by the Commission. As new technologies require spectrum, incumbent users and potential new users must engage in a meaningful technical dialogue as to whether sharing is feasible. If incumbent users take the tact of AAR, the public will be denied the opportunity to benefit from many new technologies and services.

Here, Leo One USA has clearly made the case that MSS Below 1 GHz systems can share with land mobile systems. There is no technical analysis in the record to refute this conclusion.¹ Sharing is feasible and the FCC should work with the U.S. WRC

¹ AAR claims that mobile radio systems operating at a channel located at 457 MHz are of critical importance to the railroad industry. However, there is no discussion of how this channel operates or the technical impact of MSS Below 1 GHz on the channel's integrity. Additionally, AAR claims that Leo One USA's analysis fails to adequately consider future traffic requirements of the land mobile and MSS Below 1 GHz services. Again, AAR provides no technical analysis on the relationship between traffic

(continued...)

Delegation to modify the existing allocation proposals for MSS Below 1 GHz systems so that a total of 5 MHz of uplink spectrum can be allocated at WRC-95.

AAR's claim of surprise with regard to the Leo One USA supplemental filing is ridiculous. Leo One USA in its May 6, 1995 Reply Comments indicated that it would be submitting the LINCOM Uplink Report in the near future. Moreover, the request for additional uplink allocations is anything but surprising given the current U.S. proposals which seeks only 2 MHz in the Earth-to-space direction for the MSS Below 1 GHz. As AAR is well aware, the MSS Below 1 GHz proponents in their May 18, 1995 Joint Supplemental Reply Comments requested that the U.S. propose 5 MHz in the Earth-to-space direction. ITU-R TG 8/3, the Conference Preparatory Meeting Report, the U.S. Industry Advisory Committee and the Commission in its Notice in this proceeding as well as each of the MSS Below 1 GHz proposals all recognize that at least 7-10 MHz of spectrum needs to be allocated in the near future to the MSS Below 1 GHz service. Without the proposal made by Leo One USA or some similar proposal, this requirement will not be met and the MSS Below 1 GHz service will be left with a severe shortage of uplink spectrum.

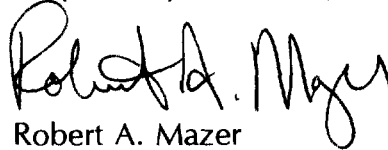
¹(...continued)

requirements and interference. This is precisely the information developed in the LINCOM Report demonstrating the ability of MSS Below 1 GHz and land mobile services to share.

CONCLUSION

Given the above, Leo One USA respectfully requests that the United States immediately propose to WRC-95 an allocation of an additional 3 MHz of spectrum (for a total of 5 MHz) in the Earth-to-space direction for MSS Below 1 GHz systems.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert A. Mazer". The signature is fluid and cursive, with the first name "Robert" and last name "Mazer" being the most prominent parts.

Robert A. Mazer
Rosenman & Colin
1300 19th Street, N.W., Suite 200
Washington, D.C. 20036
(202) 463-4645

July 26, 1995

Attorney for Leo One USA Corporation

CERTIFICATE OF SERVICE

I, Robert A. Mazer, hereby certify that the foregoing "Reply Comments of Leo One USA Corporation" was served by hand or first-class mail, postage prepaid, this 26th day of July 1995, on the following persons:

Scott Blake Harris, Chief*
International Bureau
Federal Communications Commission
2000 M Street, N.W., Room 800
Washington, DC 20554

Raul R. Rodriguez, Esq.
Leventhal, Senter & Lerman
2000 K Street, N.W., Suite 600
Washington, DC 20006
(Counsel for STARSYS)

Thomas S. Tycz, Chief*
Satellite & Radiocommunication Division
International Bureau
Federal Communications Commission
2000 M Street, N.W. Room 520
Washington, DC 20554

Henry Goldberg, Esq.
Goldberg, Godles, Wiener & Wright
1229 19th Street, N.W.
Washington, DC 20036
(Counsel for VITA)

Cecily C. Holiday, Deputy Chief*
Satellite & Radiocommunication Division
International Bureau
Federal Communications Commission
2000 M Street, N.W. Room 520
Washington, DC 20554

Philip V. Otero, Esq.
Vice President & General Counsel
GE American Communications, Inc.
Four Research Way
Princeton, New Jersey 08540
(Counsel for GE Americom)

Fern J. Jarmulnek, Chief*
Satellite Policy Branch
Satellite & Radiocommunication Division
International Bureau
Federal Communications Commission
2000 M Street, N.W., Fifth Floor
Washington, DC 20554

Leslie A. Taylor, Esq.
Leslie Taylor Associates
6800 Carlynn Court
Bethesda, MD 20817-4301
(Counsel for E-Sat, Inc.)

Ms. Kristi Kendall*
Satellite Policy Branch
Satellite & Radiocommunication Division
International Bureau
Federal Communications Commission
2000 M Street, N.W., Fifth Floor
Washington, DC 20554

Albert J. Catalano, Esq.
Ronald J. Jarvis, Esq.
Catalano & Jarvis, P.C.
1101 30th Street, N.W.
Suite 300
Washington, DC 20007
(Counsel for Final Analysis)

Albert Halprin, Esq.
Halprin, Temple & Goodman
Suite 650 East Tower
1100 New York Avenue, N.W.
Washington, DC 20005
(Counsel for ORBCOMM)

Jill Abeshouse Stern, Esq.
Shaw, Pittman, Potts & Trowbridge
2300 N Street, N.W.
Washington, DC 20037
(Counsel for CTA)

Norman R. Leventhal, Esquire
Raul R. Rodriguez, Esquire
Stephen D. Baruch, Esquire
Leventhal Senter & Lerman
2000 K Street, N.W., Suite 600
Washington, DC 20006-1809

Veronica Haggert, Esquire
MOTOROLA, INC.
1350 Eye Street, N.W.
Suite 400
Washington, DC 20005

Leonard Robert Raish, Esquire
Fletcher Heald & Hildreth
1300 N. 17th Street, 11th Floor
Rosslyn, VA 22209

Thomas J. Keller, Esquire
VERNER LIIPFERT BERNHARD
MCPHERSON & HAND, CHARTERED
901 15th Street, N.W., Suite 700
Washington, DC 20005
(Counsel for The Association of
American Railroads)

Tom W. Davidson, P.C.
AKIN GUMP STRAUSS HAUER & FELD
LLP
1333 New Hampshire Avenue, N.W.
Suite 400
Washington, DC 20036
(Counsel for Teledesic Corporation)

Christopher D. Imlay, Esquire
BOOTH FRERET & IMLAY
1233 20th Street, N.W., Suite 204
Washington, DC 20036
(Counsel for The American Radio
Relay League, Incorporated)

Gary M. Epstein, Esq.
John P. Janka, Esq.
Mary E. Britton, Esq.
LATHAM & WATKINS
1001 Pennsylvania Avenue, N.W.
Washington, DC 20004
(Counsel for Hughes Space and Commu-
nications Company and Hughes Commu-
nications Galaxy, Inc.)



Robert A. Mazer

* Hand Delivered